

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Residential
Building Contractor's License of Dean
R. Johnson Construction, Inc.

SECOND PREHEARING ORDER

A telephone conference was held on February 27, 2008. Michael J. Tostengard, Assistant Attorney General, 445 Minnesota Street, Suite 1200, St. Paul, MN 55101-2130, appeared on behalf of the Department of Labor and Industry (Department). Robyn N. Moschet, McCollum, Crowley, Moschet & Miller, Ltd., 7900 Xerxes Avenue South, Bloomington, MN 55431, appeared on behalf of Dean R. Johnson Construction, Inc. (Respondent).

Since the time that the Prehearing Order was issued, the Department has issued a Second Amended Statement of Charges, and has received complaints that may lead to an additional amended statement of charges. Also, since the last Prehearing Order was issued, the Respondent has taken steps to pay creditors and the Respondent would like the opportunity to discuss those steps with the Department in the hope that the matter can be resolved. The parties have agreed to extend the discovery schedule and reset the matter for hearing.

IT IS HEREBY ORDERED:

1. Discovery shall be completed by **May 2, 2008**.
2. This matter is scheduled for hearing on **June 3, 2008**, commencing at **9:30 a.m.**, at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, MN. The hearing shall continue on June 4, 2008, if necessary.
3. The parties shall exchange proposed written exhibits and witness lists, and file an index of exhibits and a copy of the witness list with this office by **May 28, 2008**. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and foundation for anticipated exhibits. Any party objecting to foundation for any written exhibit shall notify the offering party and judge in writing at least two working days prior to the hearing or the foundation objection is waived.
4. Hearings are ordinarily digitally recorded. In the event that any party requests a court reporter, notice shall be given to the Office of Administrative Hearings no later than **May 28, 2008**. See Minn. R. 1400.7400, subp. 2.

5. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the administrative law judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us.

6. The parties have not requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

7. This case may be appropriate for mediation. If the parties agree, they should contact the Chief Administrative Law Judge to assign a mediator.

Dated this 27th day of February 2008.

s/Beverly Jones Heydinger
BEVERLY JONES HEYDINGER
Administrative Law Judge